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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,735

12/28/2004

Yoshito Saji

10407-121US(A3048MT-US1)

2734

570

7590

06/02/2006

AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER

KAYRISH, MATTHEW

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/519,735	SAJI ET AL.	
	Examiner	Art Unit	
	Matthew G. Kayrish	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-10,27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) 3,4 and 11-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-10,27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election without traverse of Species I, sub-species A in the reply filed on 3/20/2006 is acknowledged. Claims 3, 4 and 11-26 are withdrawn from consideration

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5-7, 10, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (US Patent Number 7000240), in view of Spector (US Patent Number 5600628).

Regarding claim 1, Inoue discloses:

A disc cartridge for storing a disc that has a first side with a first functional portion and a second side, the disc cartridge comprising:

A cartridge body including a disc storage portion (figure 2, item 1), a chucking opening (figure 2, item 24b) and a head opening (figure 2, item 24a), wherein the disc storage portion has a disc window (figure 2, item 2a) and a bottom (figure 2, item 7) and stores the disc therein so that the first side thereof is exposed through the disc window (See figure 17, disc [3] is exposed);

The chucking opening is provided on the bottom of the disc storage portion so as to get the disc chucked externally (See figure 2); and

The head opening is also provided on the bottom of the disc storage portion so as to allow a head, which reads and/or writes data from/on the second side of the disc, to access the second side of the disc (column 6, lines 57-64);

A shutter (figure 2, items 5a & 5b), which is supported to, and movable with respect to, the cartridge body so as to expose or cover at least the head opening (figures 20 and 22-24 show moveable shutter opening); and

Inoue fails to disclose:

A second functional portion, which is provided for the cartridge body and which produces an audiovisual effect by cooperating with the first functional portion of the disc.

Spector discloses:

A second functional portion, which is provided for the cartridge body and which produces an audiovisual effect by cooperating with the first functional portion of the disc (figure 6, item 18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Inoue's cartridge with the design style utilizing the image on the disc and the completed image on the panel, as taught by Spector, because this will provide the user with a visual image of the audio content on the disc.

Regarding claim 2, Inoue fails to disclose:

The disc cartridge of claim 1, wherein the first and second functional portions produce a visual effect by cooperating with each other.

Spector discloses:

First and second functional portions which produce a visual effect by cooperating with each other (See figure 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Inoue's cartridge with the design style utilizing the image on the disc and the completed image on the panel, as taught by Spector, because this will provide the user with a visual image of the audio content on the disc.

Regarding claim 5, Inoue fails to disclose:

The disc cartridge of claim 2, wherein the first functional portion is a first design provided on the first side, the second functional portion is a second design provided on a portion of the upper surface of the cartridge body near the disc window, and the first and second designs are combined together to make up a third design that looks like a single continuous design.

Spector discloses:

A first functional portion which is a first design provided on the first side (figure 1, item 14), a second functional portion which is a second design provided on a portion of the upper surface of the cartridge body (figure 6, item 18), near the disc window (figure 6, item 19), and the first and second designs are combined together to make up a third design that looks like a single continuous design (column 4, lines 23-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that providing Inoue's cartridge with the design style utilizing the image on the disc and the completed image on the panel, as taught by Spector, because this will

provide the user with a visual image of the audio content on the disc. Furthermore, this audiovisual effect would be near the disc window.

Regarding claim 6, Inoue fails to disclose:

The disc cartridge of claim 5, wherein the first design is a picture drawn on the first side and the second design is a picture drawn on the upper surface.

Spector discloses:

The disc cartridge of claim 5, wherein the first design is a picture drawn on the first side (figure 1, item 14) and the second design is a picture drawn on the upper surface (figure 6, item 18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to create the audiovisual effect out of a picture, as taught by Spector, because the audiovisual effect helps create an image in the users head of the audio portion of the disc.

Regarding claim 7, Inoue fails to disclose:

The disc cartridge of claim 6, wherein the first and second designs are planar.

Spector discloses:

The first and second designs are planar (figure 4, item 10 is planar with item 18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to give Inoue's the disc window a depth equal to that of the disc, as taught by Spector, because this will prevent inconsistencies in the image created by the disc in combination with the cartridge.

Regarding claim 10, Inoue fails to disclose:

The disc cartridge of claim 6, wherein the first side of the disc and the upper surface of the cartridge body are textured.

Spector discloses:

The first side of the disc and the upper surface of the cartridge body are textured (column 3, lines 44-47, paper is textured).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to create the audiovisual of a textured adhesive paper, as taught by Spector, because this would make it cheaper to recreate in the instances that mistakes are made when painting directly on or embossing onto the disc.

Regarding claims 27 and 28, Inoue, in view of Spector, disclose:

A disc drive comprising:

A supporting portion into which the disc cartridge of claim 1 is loadable (See figure 18), a disc having a first side with a first functional portion and a second side being stored in the disc cartridge (See claim 1);

A spindle motor for mounting and rotating the disc thereon (figure 18, item 76);

A head, which is able to read and/or write data from/on the second side of the disc (figure 18, item 75);

A sensor for detecting a rotational angular position of the spindle motor when the disc is mounted on the spindle motor (figure 18, item 75); and

A control section for controlling the spindle motor in accordance with a command to eject the disc cartridge such that the spindle motor stops at the rotational angular

position when the disc is mounted thereon (figure 18, item 70 must have an ejection button).

4. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue, in view of Spector, in further view of Everidge et al (US Patent Number 6400675).

Regarding claim 8, Inoue, in view of Spector, fail to disclose:

The disc cartridge of claim 6, wherein the first and second designs are embossed.

Everidge discloses:

An embossed design on the disk (column 3, lines 41-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to emboss the first and second designs disclosed in Inoue's and Spector's device, as taught by Everidge, because this will prevent deterioration of the image on the disc cartridge, since the image is physically part of the disc and cartridge, rather than simply painted thereon.

Furthermore, regarding claim 9, it would have been an obvious matter of design choice to have the depth of the embossments on the first and second designs to be at the same depth because Spector recognized having the first and second designs planar to enhance visibility and give the illusion of a single picture.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Kayrish whose telephone number is 571-272-4220. The examiner can normally be reached on 8am - 5pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

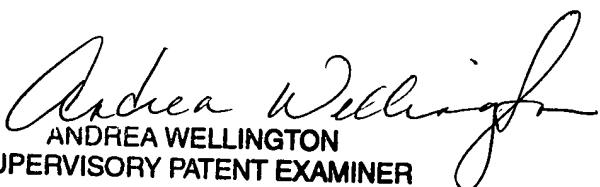
Matthew Greco Kayrish

5/17/2006

MK



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SUPERVISORY PATENT EXAMINER